

**From:** [Swenson, Peter](#)  
**To:** (b)(6)(b)(6)(b)(6)  
**Cc:** [Burdick, Melanie](#)  
**Subject:** FW: Your email message regarding the Back Forty Project  
**Date:** Tuesday, May 23, 2017 2:01:00 PM

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Dear (b)(6)(b)(6)

Thank you for your email message of May 6.

The Michigan Department of Environmental Quality (MDEQ) received a revised wetland permit application from Aquila, but MDEQ has not yet issued a public notice for the revised application or reached a decision regarding the permit. Once the public notice is issued, you will have the opportunity to provide comments on the proposed permit, and you may request a hearing. The past wetland application materials are located at [miwaters.com](http://miwaters.com), and the wetlands Part 303 public notice will be there once it is issued.

Feel free to contact Melanie Burdick of my staff if you have any additional questions.

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**From:** (b)(6)(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)  
**Date:** May 6, 2017 at 11:48:02 AM CDT  
**To:** "Swenson, Peter" <[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)>  
**Subject:** Re: Your email message regarding the Back Forty Project

Where would one find the public notices?

On May 5, 2017 2:43 PM, "Swenson, Peter" <[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)> wrote:

Thank you for your recent email message expressing concerns about the proposed Aquila Resources Inc. Back Forty Project in Menominee County, Michigan.

As currently proposed, the Back Forty Project requires a number of permits, including permits required by federal statute. The State of Michigan has the authority and responsibility to review permit applications and issue these permits. In its oversight role, EPA reviews the State's permits to ensure their consistency with federal statutes. EPA has engaged with the Michigan Department of Environmental Quality (MDEQ) on each of the following permits required by federal law:

Clean Air Act Permit: During the public comment period, EPA stated its concerns with some of the draft air construction permit conditions. As part of its permitting process, MDEQ provided a response to comments document addressing EPA's comments and all comments received during the public comment period at time of final air construction permit issuance. MDEQ revised certain permit conditions to address EPA's concerns.

Clean Water Act Section 402 Permit (wastewater discharge permit): EPA provided comments on the draft permit during the public comment period. MDEQ provided a revised permit and the State's responses to comments. EPA provided additional comments to MDEQ on the revised permit. EPA's comments were focused primarily on toxicity testing and ambient monitoring requirements. EPA's comments were accepted by MDEQ and incorporated into the permit before it was issued on April 5, 2017.

Clean Water Act Section 404 Permit (wetlands permit): In August 2016, EPA objected to MDEQ issuing a 'Wetlands and Inland Lakes and Streams Permit.' Aquila Resources Inc. subsequently withdrew its MDEQ permit application. In January 2017, Aquila Resources Inc. re-applied to MDEQ.

After MDEQ completes review of the application for completeness, MDEQ will issue a public notice, at which time, the public, tribes, and EPA will have an opportunity to provide comments. EPA will provide a thorough review of the revised permit application at that time.

Michigan also maintains state authority to issue mining permits under Part 632 of its Natural Resources and Environmental Protection Act. EPA does not have authority to oversee the State's Part 632 permits. If you have formal comments you wish to make, we recommend you submit them to the MDEQ within the relevant comment periods. EPA is committed to ensuring that permits issued by MDEQ for the Back Forty Project comply with applicable federal environmental protection laws.

Thank you for your interest in this matter.

Peter Swenson  
Chief, Watersheds and Wetlands Branch  
U.S. Environmental Protection Agency, Region 5